



"Promoting consumer
choice and innovation
through advanced
facilities-based networks."

BRINGING FULLY COMPETITIVE BROADBAND TO AMERICA¹

FILED ELECTRONICALLY

August 9, 2008

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *Ex Parte* Presentations in MB Docket No. 07-198.

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, The Broadband Service Providers Association (BSPA) submits this notice of an *ex parte* presentation in the above-captioned proceedings.

On August 7, 2008, I had a meeting on behalf of the Broadband Service Providers Association (BSPA) with Elizabeth Andron, Legal Advisor to Chairman Martin to discuss the Commission's rulemaking on Program Access Rules and Examination of Programming Tying Arrangements.

At this meeting we discussed the policy recommendations made by the BSPA and its members as part of comments filed in MB docket No. 07-198. In addition to these previously filed positions, the BSPA will now support the ACA proposals for Wholesale Untying and have recommended that this proceeding be scheduled for final consideration and a vote in September or October. A copy of the meeting discussion points is attached as reference.

Respectfully submitted for,

Broadband Service Providers Association

By: /s/
John Goodman, Executive Director,
BSPA
1601 K Street NW
Washington, D.C. 20006
(202) 661-3945

1 Enclosure

¹ The current members of BSPA, all of which are last-mile, facilities-based providers, are: Hiawatha Broadband, Knology, RCN, and SureWest Communications. BSPA is located at 1601 K Street NW, Washington, DC 20006. Phone: 202.661.3945

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cc: Elizabeth Andrion

Broadband Service Providers Association (BSPA)
Discussion Outline - FCC Proceeding 07-198
Elizabeth Andrion – August 8, 2008

The BSPA has proposed several FCC actions in its filed Comments and Reply Comments in the 07-198 proceeding. The BSPA will now also support policies for Wholesale Untying.

1. Proposed policies that the BSPA continues to support.
 - a. Close the Terrestrial Loophole
 - b. No early sunset for program access rules.
 - c. A stay for pre-existing carriage during a complaint proceeding.
 - d. FCC managed Arbitration.
2. The BSPA will now also support the ACA proposals for Wholesale Untying.
 - a. The proposed changes to Program Access rules.
 - i. Equally applied to all programming vendors.
 - ii. No restrictions on bundles that may be offered in addition to the required carriage offers for individual channels.
 - b. The proposed changes to retransmission consent regulations.
 - i. We continue to experience issues of exclusive rights versus price for a standalone broadcast channel that are not resolved.
 - c. Application of FCC Arbitration as proposed by the BSPA for pricing dispute remedy in the context of these new carriage rules.
3. Request that the 07-198 Proceeding be scheduled for final consideration and a vote in September or October.